

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-CV-23912-PCH

4 HUNGRY DOGS, LLC,

Plaintiff,

v.

POSEIDON FERRY LLC, LITTLE
DIAMOND III, and WYNTER LYNN
FROMHARTZ,

Defendants.

**DEFENDANTS, POSEIDON FERRY, LLC'S AND WYNTER LYNN FROMHARTZ'S
MOTION TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT DE 25**

Defendants, POSEIDON FERRY, LLC ("Poseidon"), and WYNTER LYNN FROMHARTZ ("Fromhartz") pursuant to Fed. R. Civ. P. 56(b) and by and through undersigned counsel, hereby file their Motion to Strike Plaintiff's Motion for Summary Judgement [DE 25], and in support states:

1. Currently this case's trial period is set to commence on November 20, 2023.
2. Pursuant to this Court's scheduling order [DE 14] entered on May 02, 2023, the parties' deadline to submit Summary Judgement motions is 55 days prior to the trial start date.
3. The parties' deadline to file Summary Judgement motions was on or before September 26, 2023.
4. On October 26, 2023, 30 days AFTER the deadline of September 26, 2023, Plaintiff filed an untimely Motion for Summary Judgement.

5. Defendants, POSEIDON FERRY, LLC (“Poseidon”), and WYNTER LYNN FROMHARTZ (“Fromhartz”) request that this Motion for Summary Judgement [DE 25] be stricken as untimely as well.

6. Defendants are obligated to pay undersigned counsel attorney’s fees and costs for bringing this motion and addressing all pleadings filed untimely and request that Plaintiff be made responsible for Defendants’ attorney’s fees and costs.

7. Pursuant to Local Rule 7.1(a)(3), the undersigned certifies that his firm conferred with Counsel for Plaintiff, Brian D. Fell, Esq., who opposed withdrawing his untimely filed motion.

8. This motion is not made for the purpose of delay, and if granted, the relief requested herein will not prejudice Plaintiff.

WHEREFORE, Defendants, POSEIDON FERRY, LLC and WYNTER LYNN FROMHARTZ (“Fromhartz”) respectfully request that this Honorable Court enter an order striking Plaintiff’s Motion for Summary Judgement filed September 26, 2023, award attorney’s fees and costs to Defendants for bringing the instant motions and for all other relief this Court deems just and proper.

Respectfully Submitted,

TREMBLY LAW FIRM

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By: /s/ Arturo L. Arca

Arturo L. Arca, Esq.

Florida Bar No. 63354

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 6, 2023, the foregoing was filed with the Clerk of Court and on all counsel of record via CM/ECF.

By: /s/ Arturo L. Arca
Arturo L. Arca, Esq.